

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, February 9, 2009

MEETING CALLED TO ORDER AT 7:00 p.m. by President Frank J. Wagner.

INVOCATION BY: Councilman Joseph Suster

ROLL CALL: **PRESENT:** President Frank J. Wagner
Council Members Dudley, Marincic, Liotta,
Sarnowski, Suster, Mahoney, Otero

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of January 26, 2009 as submitted. The minutes were adopted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of Council. Have a Happy Valentine's Day coming. We all agree that we should be working hand in hand to resolve our financial crisis. Whatever the reality of the Municipal Court is, it has had a devastating impact on our current fiscal well being. I want to go back in history. (*The Mayor handed out a document entitled "Municipal Court Receipts & Expenditures"*.) There's 12 of them. That's all I have for now. I think you only need eight so Mr. Stachewicz, if you would help pass these out? Going back in the archives of our Finance Department, in 1986 the Garfield Heights Municipal Court had a surplus of \$130,112.93. In 1987, \$105,717.00, 1988, \$105,078.00, 1989, \$16,345.00 and in 1990 it dropped down to \$5,900.00. Also back in 1990 we did an analysis (for some reason we kept this) (*The Mayor handed out a document entitled "Municipal Court Activity Analysis 1990"*) of all the Court districts in Northeast Ohio, the number of judges, the population, the case load and this will show that in 1990 the Garfield Municipal Court lost \$5,904.00 and you could compare it with the other communities. (*The Mayor handed out a document entitled "Garfield Heights Municipal Court –General Fund Revenue/Expense Analysis."*) Again if there are any extras, please I would like them back because somebody's going to be asking for them. So we're providing that for your information. From 1996 on through 2008 we are showing that the Garfield Heights Municipal Court had an accumulative deficit on our City of \$3,347,019.74. I know you can't digest all this tonight.

How does this comparison that you're looking at now compare with the performance of other Municipal Courts? We only went back one year. This is last year's. The Bedford Municipal Court with two judges lost \$11,600.00. The Rocky River Court with two municipal judges and twice the case load this Court has, had an excess of \$94,582.00. The Cleveland Heights Municipal Court with one Judge had an excess of \$736,000.00. The Euclid Municipal Court an excess of \$28,647.00 and the Lakewood Municipal Court with one Judge again, had an excess of \$166,945.00. The question that I have to ask is why all these other Courts appear in the black or nearly in the black except ours? We're going to be compared to Lakewood, Euclid and Cleveland Heights. In this comparison that I'm going to hand out to you this is current (I mean it's 2004) the case loads, the number of cases, the number of Judges, the population, etc. of the case loads throughout and you can see comparisons between the size of operation of our Court with the other Courts. (*The Mayor handed out a document entitled "Municipal Courts Overall Caseloads 2004"*.)

Now the next exhibit is a nine year analysis of the Garfield Heights Municipal Court collection of fines and Court costs. (*The Mayor handed out a document entitled "Fines and Court Costs".*) We are hampered because we do not have Judge Nicastro's 2004 Annual Report. She never filed it. Of course also to date we have never had the ability to determine what the Court fines, etc. from the other communities are but this will give you some interesting figures again to compare with. Based upon this nine-year average, Court costs, which go for the operation of the Court, have increased 144%. Fines for Garfield Heights over this nine-year period increased 2%. Fines for everyone else increased 296%. Also for your consideration, because this comes up too, this is a list of the hires and discharges and people that were not re-employed by the Court last year. You can have that for your own. (*The Mayor handed out a document entitled "2008 New Hires/Resignations/Terminations Garfield Heights Municipal Court".*) Some of the employees that were hired there we still do not know what they do.

In the next exhibit, which I think you guys should all have a copy of, is a breakdown of the overtime by department. (*The Mayor handed out a document entitled "Overtime Cost Over 2001-2007".*) The Court generated \$26,101.83 in 2008 in overtime. This is more overtime than our Nutrition Center, Recreation Center and Police jailers. Municipal Court should have minimal or literally no overtime. How can this be justified? Also this is an all-time record for overtime in the history of the Garfield Heights Municipal Court. Why?

Last, but not least, there are three of these for each: Rocky River, Bedford and Garfield. It gives you the prisoner counts. Males, females, juveniles, etc. So take one and please divvy those up. (*The Mayor handed out three documents entitled "Prisoners Booked into Rocky River/Bedford/Garfield Hts. Jail June–August 2008".*) Because if you have more prisoners coming in that comes on the other side of the equation. It goes to the operation of the police department and it's more food, medicine, etc.

Now all this information has been given to the Performance Audit Team of the State of Ohio for their review. Before any layoffs or tax increases are even considered, the Court should also get their budget in line just like everyone else. Also all payroll and fringe benefit information is under review by the auditor. Now I have advised City Council of this process both here and at Council Chambers, meetings, in private discussions and various other meetings and Finance Meetings. We have provided information on all our negotiations with the Unions, possible cuts in service, everything is on the table. What impacts one group impacts everyone. I ask that as issues get resolved by the performance audit or Union negotiation the impact of course will be applied Citywide. I have also mentioned that if City Council is dissatisfied with this effort then feel free to do whatever you want. Do whatever you feel is necessary. We all need to be on the same page. Cheap headlines, back door, nickel dime deals will not resolve our financial problems. There is a certain equilibrium to this process.

Ordinance 6-2009 at this time is disruptive to the process and leads to chaos. Chaos is not what we need in this environment. This shocking approach is ill-timed, ill-advised and ill-conceived. It takes away an IRS option that has absolutely no impact on the City. For what purpose does this benefit our community? Absolutely none. ASME is approaching nearly two years with no pay raises. The Administration is at 14 months with no pay raises. While Council is cutting 5% off of next year's elected officials' salaries this is bizarre. And now this Ordinance 6-2009? I told everyone that this benefit will be addressed via the process described above. When Ms. Marincic asked me to keep Council informed and updated this is exactly what I have attempted to do, but I am begrudging to see that this is not a two-way street. I am asking City Council to endorse the process that's in play and to be consistent in our dealings with personnel matters and defeat this legislation or at least committee it. We cannot afford a pennywise pound foolish approach. I'm also disappointed that Ms. Marincic's made inquiries about closing Fire Station 1 to save money, putting people in harm's way by closing the fire station. This is not an option to be considered. This is ill-advised, ill-conceived and ill-timed. Going on with the rest of the agenda, Ordinance 7-2009.

PRESIDENT WAGNER: Mayor, may I interrupt you for one second? I want to let you know on Ordinance 6 Council has decided to put that in committee already.

MAYOR THOMAS LONGO: Fine. Ordinance 7-2009 is an abatement to bring 15 new jobs to Garfield Heights. It's a very minimal abatement. The headquarters of US Communications and Electric are moving to our community and Ms. Kuban can address your questions on that. She's done a lot of work on this. Resolution 7-2009 requests HUD to demo their decrepit properties before turning them over to local communities. Right now you can buy the properties and then you have to demo them. The properties are not any good to begin with. So they should really take this into light especially with what's coming out of Congress at this time with the relief package that's going through the Congress. Resolution 8 places Megan Hutton on our Tax Incentive Review Council. We have one more appointment to make. In the near future you'll be getting a recommendation on that. There's no money involved with this so she wants to do these things and I suggest you put her on.

Also a budget is being prepared for City Council's review. We have provided four options for City Council's consideration. Now an option will be presented for approval or change or what have you and hopefully if we can get all the pieces together you can have that before the next Council meeting and of course the deadline is March 23rd for Council to make a decision as to which direction we're going to go in. As a side note Mr. Dave Mack had surgery on his foot and he's home and he's doing fairly well so if anyone wanted to give him a buzz or send him a note I'm sure he would appreciate it. This concludes my report.

PRESIDENT WAGNER: Any questions of the Mayor?

CLWN MARINCIC: On your research with the Courts do you feel that the Court could get by with just one Judge?

MAYOR THOMAS LONGO: My opinion is yes. If you look at those sheets which compare all the communities from 2004 with the Judges, the populations, etc., I'm afraid the populations have gone down, you will see that the caseload—you can compare that—if you want to use that; if you want to use population. The rule of thumb has always been that to have two Judges you have to have a population of 100,000. I think this Court district is down to 86,000. The reason we wound up with two Judges is back in the 80s I believe it was Judge Stralka, when he was here by himself, had Andy Slivka filling in as a part-time Judge and he was here full-time so the State Rep Monick put through legislation to have him elected. Normally when you have two Judges you also have an elected Clerk of Courts. So you have to have an elected Clerk of Courts. We don't. They appoint them; The Clerk up there should run just the office because all the monies that flow in and out of that office should be transparent. We were told this pointblank by the Ohio Supreme Court. Anything that we go through, whatever the Courts go through as far as what goes on, what comes in and what goes out should be transparent. The Courts have never been audited and now they're going to be audited. There are conversations going on about should the Courts be audited, etc.? Yes they should be audited. Where the monies come in and the monies go out should definitely be audited. What goes on in the Courtroom is on an individual basis and that's why you elect Judges—to make those decisions. But yes, you're right.

CLWN MARINCIC: So yes, you feel that way. So how do we go about having that changed so there's only one Judge?

MAYOR THOMAS LONGO: They're creatures of the State and it would take an action of the State Legislature.

CLWN MARINCIC: Could we as a City request them to do so?

MAYOR THOMAS LONGO: Sure. You can get a hold of your State Rep or Senator. You can go to the Governor. You can start lobbying or sending notices out, letters, resolutions, etc. and that could be put up-- maybe that could be an incentive. Technically there are two States in this great country of ours that have Mayor's Courts or Municipal Courts: Ohio and Louisiana. Every other State has revamped them, reorganized and they've gotten Municipal Courts off of the local cities' jurisdiction. I don't want to run a

Court and I don't think you guys do either. We shouldn't have that on the backside. But these questions keep coming up. Why do these other Courts run on the positive side and we're on the negative?

CLWN MARINCIC: Secondly, just so you know, I never made a statement that I would like to close Fire Station No. 2. I simply made inquiries as to their response time and how it would be affected if the City ever were to close that station and our fire chief responded and said that the cut would definitely be a big mistake because it would increase response time by as much as two minutes. We all know two minutes can mean a life.

MAYOR THOMAS LONGO: Thank you.

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: No report.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: The last two weeks have been mostly snow events. Last year at this time the snow fall was 22.9" and we used 3,357 tons of salt. This year it's 70.3" and we've used 2,886 tons of salt. In the last couple weeks everything has been plowing. We had to remove snow from the lots, etc. The lots are all piled up. We cleaned all the sidewalks that the City's responsible for, under the bridges and the various areas. It's very time consuming and of course with the nice weather potholes appear. I have everybody in the garage out on the potholes trying to do what we can. We're working on the mains and then we'll go to the side streets. That's what we're going to be working on the next couple days and make sure that we can get all of them. That's all I have.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: No report.

BUILDING COMMISSIONER WILLIAM WERVEY: I don't have a report this evening but I would like to reiterate what the Mayor mentioned about Resolution 7 regarding the HUD. They are not being a good neighbor in our community and we need to do something. By perhaps presenting a united front in organizations like First Suburbs we can get them to do something? That's all I have.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I'd like to recommend that Ordinance 6-2009 be placed in committee. Also I had discussed with Council the proposed fee increases that will go into effect for the Senior Center.

PRESIDENT WAGNER: Are you talking about Ordinance 6 or Ordinance 7?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Ordinance 7. I'm sorry. I was looking at the wrong one. Yes, Ordinance 7 going into committee. I just typed up some copies of the fee schedules that will be going into effect. I'll pass these down right now. *(Ms. Kuban handed out copies of a document entitled "G.H. Senior Center-Fees 2009".)* I gave good copies to the newspapers so that can be published. That concludes my report.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

CITY ARCHITECT DAVID SPEHAR: Absent.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That completes the reports of the Mayor and the Directors. Next we'll move on to Comments by Citizens on tonight's agenda. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to the legislation on tonight's Council's evening's agenda and no citizen shall speak more than once. Is there anyone wishing to address Council on tonight's agenda?

Henry Warren, Jr. 4512 East 131st Street. Mr. Obert, I have a question regarding Ordinance 6. How much money would that save the City if that ordinance were to pass?

FINANCE DIRECTOR RICHARD OBERT: About \$189,000.00.

MR. WARREN: \$189,000.00? And your reasoning for saying (I don't remember how you worded that in Caucus) the reason that it should go in committee?

FINANCE DIRECTOR RICHARD OBERT: I didn't say anything in Caucus about this.

MR. WARREN: Yes, you did. Somebody asked you a question and you responded. You don't remember?

FINANCE DIRECTOR RICHARD OBERT: We were talking about the pick up and the salary reduction methods that the people had who engineered this ordinance--having them come out.

MR. WARREN: Well, it's either I'm crazy or I be hearing things because you did give Council a reason as to why they should put it in committee.

FINANCE DIRECTOR RICHARD OBERT: The Mayor stated, Mr. Warren.

MR. WARREN: I'm talking to you, Mr. Obert.

FINANCE DIRECTOR RICHARD OBERT: No, the Mayor just told you tonight what the reason was.

PRESIDENT WAGNER: You know the Clerk can only record one voice talking at a time. Are you done, Mr. Obert?

FINANCE DIRECTOR RICHARD OBERT: Yes.

MR. WARREN: He finished? I just don't understand the rationale that you gave for voting on this piece. If the City's going to save \$100,000.00. I applaud you, Mrs. Marincic, for taking the effort to put this up because at \$106,000.00 you're passing a piece of legislation to save \$825,000.00 on Council's salary but it looks like the Administration is off limits and I don't see no reason why this should be put in committee. If this is passed and there is a problem you can always amend it. But again you're going to save the City some \$100,000.00 right off the top and I say this to the rest of Council. You know the Mayor made his argument, which is I respect him for his argument, but the fact is you're talking about \$106,000.00 when you're looking at a deficit to the City of \$3.5 million that you're going to be looking at come March 31st. I just don't see why you would put this in committee. By the way you're going to pay the lawyer. Doesn't the people get paid for coming out here?

CLWN MARINCIC: I spoke with Mr. Obert and he said that Squires won't be. You said that they will not be paid?

FINANCE DIRECTOR RICHARD OBERT: They won't charge you for this.

CLWN MARINCIC: And you said that it was \$106,000.00 or \$186,000.00?

FINANCE DIRECTOR RICHARD OBERT: It's \$189,000.00.

CLWN MARINCIC: \$189,000.00. OK.

MR. WARREN: That's almost \$200,000.00 and you're not going to act on that yet still you're going to grandstand and shave the \$825,000.00 off your own salary. To me that's kind of crazy. We're looking at maybe laying off the police, fire, City workers who all have families and those guys in Administration—no disrespect. I like all of you guys--but those guys make \$93,000.00 a year. I mean you got to rearrange where your priorities is and stand up to the plate and do your job as Council people--the people that elected you to these offices. I reiterate \$200,000.00 is a lot of money.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address tonight's agenda? There being none we'll move on to Committee Reports.

COMMITTEE REPORTS:

CLMN SUSTER: Mr. Chairman. I'd like to let everybody know about a Finance Meeting for next Thursday evening, February 19th at 7 o'clock. We're going to have the people from Squires, Sanders &

Dempsey come out and go over the Buyout Program. There's a possibility we'll get through the books also on Thursday night and Ordinance 6. That's all I have.

ORDINANCES AND RESOLUTIONS:

PRESIDENT WAGNER: Any other Committee Reports? There being none, we'll move on to Ordinances and Resolutions. Under old legislation we have Ordinance 1-2009. I'm going to ask the Clerk to read the title. That's up for a third and final reading at tonight's meeting.

ORDINANCE NO. 01-2009

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 20-2005 RELATIVE TO THE GENERAL FEE SCHEDULE FOR THE DAN KOSTEL RECREATION CENTER.

CLWN MARINCIC: Mr. Chairman, pass on third reading?

PRESIDENT WAGNER: On the motion to adopt on the third and final reading.

VOTE ON THIRD READING AT THIS MEETING:

AYES: 7

PRESIDENT WAGNER: Ordinance 1-2009 stands adopted with seven Yes votes.

ORDINANCE NO. 05-2009

AN ORDINANCE FIXING THE SALARY OF THE COUNCIL PRESIDENT OF THE CITY OF GARFIELD HEIGHTS, OHIO.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 06-2009

AN ORDINANCE AMENDING ORDINANCE 71-1998, THE PERSONNEL POLICIES AND PROCEDURES (A PERSONNEL MANUAL FOR ALL NON-UNION AND ALL OTHER EMPLOYEES OF THE CITY OF GARFIELD HEIGHTS) ELIMINATING THE PICK-UP FRINGE BENEFIT FOR FULL-TIME SALARIED EMPLOYEES RELATIVE TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS).

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion BY MARINCIC to PLACE INTO FINANCE COMMITTEE:

CLWN MARINCIC: Before I vote, I would like to make a statement. For those who are not familiar with PERS, I would like to give a short explanation of what it's all about. Instead of paying into Social Security, public employees must pay into the Public Employee Retirement System abbreviated as PERS. To the best of my knowledge every employee in our City is required to pay into the PERS system. The amount is deducted from each employee's paycheck same as Social Security is probably deducted from yours. The only difference with many of our full-time non-union employees is that back in 1998 City Council passed legislation enabling the City to pay the portion to PERS that the employees were supposed to be paying themselves. Because this was done it has more than likely cost the City what I thought was probably \$1

million is now probably closer to \$2 million over the past 10 years. I believe this legislation needs to be revoked and the sooner the better. Just like the Average Joe out there has to pay Social Security out of their weekly pay check our employees should have to pay their own PERS, but because there are so many questions on this City Council and the Administration regarding this I am more than willing to place this legislation into committee for further discussion but I hope that it comes out soon and is passed and I vote Yes.

AYES: 7

ORDINANCE NO. 07-2009

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A “COMMUNITY REINVESTMENT AREA AGREEMENT” BETWEEN THE CITY OF GARFIELD HEIGHTS AND PJPC, LLC and US COMMUNICATIONS & ELECTRIC, INC. FOR THE PURPOSE OF PROVIDING INCENTIVES FOR DEVELOPMENT IN THE WARD 1 COMMUNITY REINVESTMENT AREA.

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion BY DUDLEY to PLACE INTO LEGISLATIVE COMMITTEE:

AYES: 7

PRESIDENT WAGNER: The Legislative Committee consists of Chairman Clmn Suster, and Members Clwn Sarnowski and Clmn Otero. Ordinance 7-2009 is placed in the Legislative Committee with seven Yes votes.

RESOLUTION NO. 7-2009

A RESOLUTION URGING HUD TO USE ITS OWN FUNDS TO DEMOLISH CONDEMNED AND ABANDONED HUD PROPERTIES, ENABLING THE CITY OF GARFIELD HEIGHTS TO USE ITS NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS FOR THE DEMOLITION AND RENOVATION OF NON-HUD HOMES.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

RESOLUTION NO. 08-2009

AN EMERGENCY RESOLUTION APPOINTING MEGAN HUTTON TO THE GARFIELD HEIGHTS TAX INCENTIVE REVIEW COUNCIL.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the legislation before the Council this evening. Next we'll move on to Comments by Citizens. Comments shall be restricted to any problem a citizen has which has previously been submitted to his or her Councilperson or to the City Hall department directly involved. If the submission of a problem to a City Hall department or a Councilperson is made and there is a lack of service rendered in this regard the problem may then be presented during Comments by Citizens at a future meeting. It is the intention of this rule that no request of a first nature is presented on the floor at this time. Comments shall be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council this evening?

Henry Warren, Jr. 4512 East 131st Street. The Mayor had did his comments in regards to the Court. What should happen and what should not happen in regard to the Court, but I would advise you as Council people and I might be wrong in terms of my assessment, but the Courts in the State of Ohio are controlled by the Supreme Court and before you get to diddling and twiddling with the Court you might best to check with the Supreme Court before you embarrass yourself in some kind of way.

The other thing I wanted to say is I asked, better yet, Mr. Obert. Is the City of Garfield Heights current on all of their bills?

FINANCE DIRECTOR RICHARD OBERT: You ask that question every time you come down here. Yes we're current now.

MR. WARREN: Excuse me, Mr. Obert. I didn't mean to offend you

FINANCE DIRECTOR RICHARD OBERT: Every Council Meeting you ask me the same question. I answer it the same way every time.

MR. WARREN: OK, you can assure me that all our bills are paid?

FINANCE DIRECTOR RICHARD OBERT: The ones I got in this morning I don't think are paid, no. I have no idea what you're talking about.

MR. WARREN: Hey man, it's kind of hostile up here, you know? I didn't mean no harm, Mr. Obert.

PRESIDENT WAGNER: Mr. Warren. Continue.

MR. WARREN: I don't know if you Council people got notice of a meeting that's going to be held in Bedford Heights at 9:30 on the 17th? It's for RMPs for Housing Mitigation. This is money from the Federal Government. I don't know what the city is doing in regards to the problem that we have with housing. I'm sure that your brains are burning regarding the deficit that we might be looking at but the point is that for any of you that are interested they will be having a meeting on the 17th at 9:30 in Bedford Heights for RMPs regarding foreclosure mitigation. I'm assuming everybody knows what foreclosure mitigation is about, correct?

PRESIDENT WAGNER: This is 9:30 in the morning?

MR. WARREN: 9:30 in the morning. That's all I have. I'm sorry, Mr. Obert. I didn't mean to tick you off.

PRESIDENT WAGNER: Thank you. Is there anyone else wishing to address Council this evening?

Mike Nenadovich, 4625 Horton Avenue. Mr. McLaughlin, your consumption of salt is down. I'd like to congratulate you on that. What I'd like to talk to Council about is you sit here and you talk about safety of citizens. You talk about we got to make the City move forward and I'm sure there's some law on the books, but I'm not a legal man and I don't know all the laws, to get these sidewalks clean. The streets this winter were horrible the way the people were walking in the streets. Maybe we have to reeducate the people but you don't walk four abreast on a two-lane road. Traffic in the morning was terrible because people were walking

in the streets because nobody shoveled their sidewalks. The businesses were the worst. They plow their lots and they pile their snow on the sidewalks. I'm sure there's an ordinance you can't block the sidewalks, Mr. Wervey? I'm sure.

BUILDING COMMISSIONER WILLIAM WERVEY: Yes, there is.

MR. NENADOVICH: I'd like to see it enforced. All you people know me. I put a lot of faith in Garfield Heights. I believe in this City, but we got to start enforcing the small rules. We had a meeting this past week and Mr. Liotta and I have talked about this before. A man who ran the meeting said let's worry about the small stuff. The big stuff will take care of itself. It works that way. Bend over for pennies—you're missing the dollars. We got to go after the small violations. The little stuff because if you cite a guy for parking on the street he's not going to park there anymore. He's going to say if I'm getting cited for parking on the street, why would I leave my trash out for a whole week? I called City Hall not about the snow matter but about trash cans. Two weeks to get one set of trash cans from one house on our street put back in. Two weeks. They weren't buried by the snow. I'm talking about a small ordinance to clear sidewalks. Let's talk to the Ohio Supreme Court if we have to get the law changed where you're not responsible if you clean your sidewalks. All I'm hearing is if you clean your sidewalks you're responsible if somebody slips on them. It's winter time. You got to use your head. Contractors are just plowing across the street my neighbor's properties—not mine. I seen an old couple digging out two times for that. They couldn't get out to the drive because of contractors--not the City. The City uses its head. The contractors are burying people, sidewalks, mailboxes, they're burying fire hydrants. It's our job to keep it clean but we got to work with the City on the small stuff. People parking across sidewalks where the sidewalks shouldn't be obstructed at all. Garbage standing out for two, three, four days before collection. We have a unique problem in Ward 3. Ours is on Monday so the trash goes out Saturday morning. Who do you call? There's nobody to call. You call the police department they advise them. Lord knows, I'm a firm backer of our police department. I think we have a great police department. We got to start going after, as this one man said running the stop sign, littering on the streets. We got to go after the small things. That's what's going to make our City better along with the money. It will all come about but we can't concentrate on the money now and forget about the rest of the operation. If this is the way the City's operating with a full staff, God forbid what's going to happen when you have to make cuts. Like I told them at the Block Watch Meetings. Let's just take Grand Division and move it to Rockside Road and call it Cleveland because that's what we're headed for ladies and gentlemen. We've got cars parked on sidewalks, debris parking on sidewalks for months. I know personally of one trailer that's parked across the sidewalk still and that's from last summer. We worry about what we don't want their property to look like in August what it looks like in April. We got to give people time to fix it. I've called on two homes on my block, several times over the past year. All the porches fell in on my daughter's driveway the other day. Where are we headed?

PRESIDENT WAGNER: Mr. Nenadovich, you have one minute, just so you'll know.

MR. NENADOVICH: Where are we headed? Thanks, Frank. We got to go down this road or we got to go down together. We can't have seven different Wards. We can't have a Finance Department, a Service Department, a Recreation Department. We got to have a City. It's about time we all stick together. We're doing a great job. If it falls apart in these hard times we're having now I don't know what to say but I'll try to do my part but we got to come together. We got to enforce what we have on the books. We don't need more laws. We got enough laws to choke a horse. It's time we start enforcing those laws. I'm guilty of infractions too. I try. That's all I ask you to do is try. Let's all move forward. I know you're going to say something. Bill, but go ahead. I respect what you're doing. Believe me.

BUILDING COMMISSIONER WILLIAM WERVEY: Let me answer as best I can. You're not going to be completely satisfied. Because of the problem with the snow we had the guys out on the street up and down Turney Road and Garfield Blvd., some on Rockside Road informing the property owners of what the law was and we sent letters to most all the businesses that were not clearing snow. We got limited results. Because of this and because of the fact that if I'm to cite somebody for not plowing their sidewalk today it's

going to be probably a month and a half or two months before I get them into Court. I spoke to Judge Weiler and Mr. Riley our prosecutor over the last week or so. They are revisiting providing the Building Department with the ability to write tickets. At the present time we do not have that ability. For trash out early, trash out late, grass we don't have the ability for anything. Part of the problem is we might have to change some of the penalties for some of these citations because it needs to be a waivable offense. I would defer to the Law Department on this but I believe it needs to be a minor misdemeanor in order for it to be waivable? That's being revisited because we have the same frustration and I hear Councilmen say hammer these people that leave the trash out early or leave the cans out but the fact is two months down the road it doesn't have much significance because the can has been sitting there. We need the ability to write tickets and there's going to be problems associated with that also because we don't have the ability to say please provide me with your driver's license and identification sir. They'd tell us to pound salt. So we're going to need to take a policeman with us when we do this thing. It's not quite as easy as it sounds on the surface but we have revisited this over the past week. Hopefully Judge Weiler and Mr. Riley will look into the legal ramifications. Once they do rest assured we will be back here to present something to Council to allow us to do that. Right now basically we are out there saying please Mr. Homeowner plow your sidewalks or please Mr. Homeowner take your trash can in. The fact is we're dealing with people who are unwilling to do what we want. We need that ammunition. The ability to write tickets in order to follow through on this.

MR. NENADOVICH: At least you're doing something. I appreciate that.

BUILDING COMMISSIONER WILLIAM WERVEY: So far as the snow plowers, I can't do much about that. They need to be caught in the act. I've answered to the best of what I can tell you right now.

MR. NENADOVICH: Thank you.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: As far as the snow plowers, they're supposed to have permits. I think we only have about 18 people that have applied for permits. The police department has been attempting to get these people to come in and get a permit so we know who they are, they have insurance, etc. Yes, that has been a problem. People are plowing every which way. They're putting snow up over the sidewalks like Mr. Nenadovich said. We've been after them including my foremen. We stop people and try to tell them how to plow, etc. and we've had problems with that. The other problem too is the cars parked on the street. The first time that they write up some cars everybody is on Channel 19 why did I get written up? It makes a big difference to be able to go up and down the street and plow without cars on it. Our truck hit a parked car the other day that was two feet off the curb and had not been moved for the whole storm. It had a ticket on it and was still sitting there. There's things that go on and we are trying to make attempts to handle them but it's hard to keep like Mr. Wervey said we have to bring a policeman in to do things. We don't have any way to tell people that they're in the wrong and whether they follow through or not. That's what we have to work on.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address Council this evening? There being none, we'll move on to Miscellaneous Business beginning with Ward 1, Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: I have only one thing to say. We are having our Third Annual Black History Program Tuesday the 17th of February at 6 p.m. in the Garfield Heights Community Center and everybody's welcome to come.

CLWN MARINCIC: I just want to ask Tim to pass along a big thank you to the Service Department. The snow was incredible and part of the problem was there was so much we ran out of spots to put it. I'm grateful for the thaw. That's all I have tonight.

CLWN SARNOWSKI: I want to share a story of something good that happened with our Service workers. I guess on that bad storm on Wednesday one of the plow guys saw an elderly lady fall in the snow. He got out of his plow truck around the Derby Building, helped her up and walked her all the way to the building. I was proud that this lady was telling me. She said eventually she'll get around to writing a letter to your department. I said do you have at least the name or something? She said no, but he was good looking. With that I wish everybody a Happy Valentine's Day and don't forget your sweethearts. That's all I have.

CLMN OTERO: I just want to make a comment regarding some of the calls I've gotten on the noise on Rockside Road. We're taking some actions and moving forward with it. I appreciate the Mayor's action in writing a letter to the County Engineer to give Rockside Road attention from Turney all the way up to Broadway possibly, so we hope to see something there. Also, Tim, I just want to say thank you for talking about the chuckholes because I get a lot of calls on chuckholes. We need to take care of those. Thank you.

PRESIDENT WAGNER: I will now entertain a motion from a Council Member to adjourn.

CLWN SARNOWSKI: Mr. Chairman, I motion to adjourn.

PRESIDENT WAGNER: On the motion by Clwn Sarnowski to adjourn?

AYES: 7

MEETING ADJOURNED AT 7:54 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council